

the public documents. The Court shall then issue a subsequent Order as to the specific documents (or portions thereof) that shall remain sealed.

3. **No later than December 3, 2021**, counsel shall file on ECF those portions of the appendix for which the request to seal has been denied.

BY THE COURT

/s/ John M. Gallagher
JOHN M. GALLAGHER
United States District Court Judge

Forbes (In re Cendant Corp.), 260 F.3d 183, 192-93 (3d Cir. 2001). “Protecting th[is] access right in class actions promotes class members' confidence in the administration of the case. Additionally, the right of access diminishes the possibility that injustice, incompetence, perjury, or fraud will be perpetrated against those class members who have some stake in the case but are not at the forefront of the litigation. Finally, openness of class actions provides class members with a more complete understanding of the class action process and a better perception of its fairness.” *Id.* at 193. “The party seeking to overcome the presumption of access bears the burden of showing: (1) the interest in secrecy outweighs the presumption; (2) the material is the kind of information that courts will protect; and (3) disclosure will work a clearly defined and serious injury to the party seeking closure.” *In re Avandia Mktg., Sales Practices & Prods. Liab. Litig.*, 924 F.3d 662, 672 (3d Cir. 2019). Documents containing trade secrets or other confidential business information may be protected from disclosure. “We have framed the inquiry as whether the need for secrecy outweighs the presumption of access that normally attaches to such documents.” The potential effects of the disclosure of business information that might harm the litigant's competitive standing may in some cases meet the burden of [justifying keeping] the judicial record under seal. *Leucadia, Inc. v. Applied Extrusion Technologies, Inc.*, 998 F.2d 157, 166 (3d. Cir. 1993). (quotation marks omitted).